## In the United States Court of Federal Claims

SHUTTLEWAGON, INC.,	)
Size Field Williams, Intelligence,	)
Plaintiff,	)
	)
v.	)
THE UNITED STATES,	) No. 21-796C
Defendant,	) Filed March 5, 2021
v.	)
INNOVATIVE QUALITY SOLUTIONS,	)
LLC,	)
Defendant-Intervenor.	)
	_ )

## **DISMISSAL ORDER**

On February 18, 2021, the government filed a motion to dismiss the above-captioned CICA stay override matter for lack of subject-matter jurisdiction, upon the grounds that the United States Department of Transportation has reinstated the stay at issue in this CICA stay override matter. ECF No. 35. On March 1, 2021, plaintiff filed an out-of-time response to the government's motion to dismiss in which plaintiff consents to the dismissal of this matter without prejudice. ECF No. 36.

In light of the foregoing, the Court:

- 1. **GRANTS** plaintiff's motion for leave to file, out of time, its response and opposition to the government's motion to dismiss;
- 2. **GRANTS** the government's motion to dismiss;

<sup>&</sup>lt;sup>1</sup> Plaintiff also requests that the Court waive the fee to re-file this matter in the event that the government reasserts the CICA stay override at issue in this matter and plaintiff brings another action in this Court to challenge the override. Plaintiff's request has not been properly made under the Rules of the United States Court of Federal Claims. Rule 77.1(c) of the United States Court of Federal Claims.

- 3. **DENIES** plaintiff's motion for a preliminary injunction;
- 4. **DENIES** as moot plaintiff's motion for the Court to retain jurisdiction; and
- 5. **DISMISSES** this matter without prejudice.

The Clerk's Office is directed to enter judgment accordingly.

Each party to bear its own costs.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby LYDIA KAY GRIGGSBY Judge